

CHAPTER 45**STANDARDS FOR THE MANAGEMENT OF
SPECIFIC HAZARDOUS WASTES AND
SPECIFIC TYPES OF HAZARDOUS WASTE
MANAGEMENT FACILITIES**

Secs.

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4500 [RESERVED]

4501 [RESERVED]

4502 RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

4502.1 The regulations of §§4502.2 through 4502.7 shall apply to recyclable materials that are applied to or placed on the land as follows:

- (a) Without mixing with any other substance(s); or
- (b) After mixing or combination with any other substance(s). These materials shall be referred to throughout this section as "materials used in a manner that constitutes disposal."

4502.2 Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials shall not be subject to regulation if the recyclable materials have undergone a chemical reaction in the course of producing the product so as to become inseparable by physical means.

4502.3 Commercial fertilizers that are produced for the general public's use that contain recyclable materials shall not be subject to regulation.

4502.4 Generators and transporters of materials that are used in a manner that constitutes disposal shall be subject to the applicable requirements of Chapters 42 and 43 and the notification requirement of §3010 of RCRA.

4502.5 Owners or operators of facilities that store recyclable materials that are to be used in a manner that constitutes disposal, but who are not the ultimate users of the materials, shall be regulated under all applicable provisions of §§4400 through 4410, and Chapters 46 and 47, and the notification requirement of §3010 of RCRA.

4502.6 Owners or operators of facilities that use recyclable materials in a manner that constitutes disposal shall be regulated under all applicable provisions of §§4400 through 4410 and Chapters 46 and 47, and the notification requirement of §3010 of RCRA. These requirements shall not apply to products which contain these recyclable materials under the provisions of §4502.2 through 4502.3.

4502.7 The use of waste or used oil or other material, which is contaminated with dioxin or any other hazardous waste (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment shall be prohibited.

AUTHORITY: Unless otherwise noted, the authority for this chapter is §6 of the District of Columbia Hazardous Waste Management Act of 1977, as amended, D.C. Law 2-64, D.C. Code §6-701 *et seq.* (1995 Repl. Vol.), Mayor's Order 78-185 dated September 19, 1978.

SOURCE: Final Rulemaking published at 43 DCR 1077 (March 1, 1996), incorporating by reference the text of Chapters 40 through 54.

4503 HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

4503.1 The following regulations shall apply to hazardous waste burned for energy recovery:

- (a) These regulations shall apply to hazardous wastes that are burned for energy recovery in any boiler or industrial furnace, except as provided by §4503.1(b). The hazardous wastes burned for energy recovery shall be termed "hazardous waste fuel." However, hazardous waste fuels produced from hazardous waste by processing, blending or other treatment is also hazardous waste fuel. (These regulations do not apply, however, to gas recovered from hazardous waste management activities when such gas is burned for energy recovery.); and
- (b) Hazardous wastes that are exempt from regulation under the provisions of §§4100.15 through 4100.18 and 4100.31 shall not be regulated under this section.

4503.2 A person shall market hazardous waste fuel only:

- (a) To persons who have notified EPA of their hazardous waste fuel activities and have a U.S. EPA Identification Number; and
- (b) If the fuel is to be burned, to persons who shall not burn it in the District.

4503.3 No fuel which contains any hazardous waste shall be burned in the District of Columbia.

4503.4 The following standards shall apply to generators of hazardous waste fuel:

- (a) Generators of hazardous waste that is used as a fuel or used to produce a fuel shall be subject to Chapter 42; and
- (b) Generators who market hazardous waste fuel to a burner shall also be subject to §4503.7.

4503.5 Transporters of hazardous waste fuel (and hazardous waste that is used to produce a fuel) shall be subject to the requirements of Chapter 43.

4503.6 Persons who market hazardous waste fuel shall be termed "marketers" and shall be subject to the following requirements. Marketers shall include generators who market hazardous waste fuel directly to a burner, persons who receive hazardous waste from generators and produce, process, or blend hazardous waste fuel from these hazardous wastes, and persons who distribute but do not process or blend hazardous waste fuel.

4503.7 The following standards shall apply to marketers of hazardous waste fuel:

- (a) The prohibitions under §4503.2;
- (b) Even if a marketer has previously notified EPA of his or her hazardous waste management activities and obtained a U.S. EPA Identification Number he or she shall renotify the District of his or her hazardous waste fuel activities;
- (c) The applicable provisions of §§4202.6 through 4202.8, and 4400 through 4410 and Chapter 46 of this subtitle;
- (d) The standards for generators in Chapter 42 when a marketer initiates a shipment of hazardous waste fuel;
- (e) Before a marketer initiates the first shipment of hazardous waste fuel to a burner or another marketer, he or she shall obtain a one-time written and signed notice from the burner or marketer certifying that:
 - (1) The burner or marketer has notified EPA or the Department, respectively, and identified his or her waste-as-fuel activities; and
 - (2) If the recipient is a burner, the burner shall burn the hazardous waste fuel only in an industrial furnace or boiler and in accordance with §§4503.2(b) and 4503.3;
- (f) Before a marketer accepts the first shipment of hazardous waste fuel from another marketer, he or she shall provide the other marketer with a one-time written and signed certification that he or she has notified the Department of his or her hazardous waste fuel activities; and
- (g) In addition to the applicable recordkeeping requirements of Chapters 42 and 44, a marketer shall keep a copy of each certification notice he or she receives or sends for three (3) years from the date he or she last engages in a hazardous waste fuel marketing transaction with the person who sends or receives the certification notice.

SOURCE: Final Rulemaking published at 43 DCR 1077 (March 1, 1996), incorporating by reference the text of Chapters 40 through 54.

4504 USED OIL BURNED FOR ENERGY RECOVERY

4504.1 The regulations of this section shall apply to used oil that is burned for energy recovery in any boiler or industrial furnace. The used oil shall be termed "used oil fuel." Used oil fuel shall include any fuel produced from used oil by processing, blending, or other treatment.

4504.2 For purposes of this section, "Used oil" shall mean any oil that has been refined from crude oil, used, and, as a result of such use, is contaminated by physical or chemical impurities.

- 4504.3 Used oil that is mixed with hazardous waste and burned for energy recovery shall be subject to regulation as hazardous waste fuel under §4503. Used oil containing more than one thousand parts per million (1,000 ppm) of total halogens shall be presumed to be hazardous waste because it has been mixed with halogenated hazardous waste listed in §4103. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR, Part 261).
- 4504.4 [Reserved]
- 4504.5 Except as provided by §4504.3, used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, shall be subject to regulation under this section unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification shown in the following table. Used oil fuel that meets the specification shall be subject only to the analysis and recordkeeping requirements under §§4504.12(a) and 4504.12(g). Used oil fuel that exceeds any specification level shall be termed "off-specification used oil fuel."

**USED OIL EXCEEDING ANY SPECIFICATION LEVEL IS SUBJECT
TO THIS TO SECTION WHEN BURNED FOR ENERGY RECOVERY^a**

Constituent/property	Allowable level
Arsenic	5 ppm maximum
Cadmium	1 ppm maximum
Chromium	5 ppm maximum
Lead	5 ppm maximum
Flash Point	100°F minimum
Total Halogens	1,000 ppm maximum ^b

^aThe specification shall not apply to used oil fuel mixed with a hazardous waste.

^bUsed oil containing more than one thousand parts per million (1,000 ppm) total halogens shall be presumed to be a hazardous waste under the rebuttable presumption provided under §4504.3. The used oil shall be subject to §4503 rather than §4504 when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

- 4504.6 A person shall market off-specification used oil for energy recovery only:
- (a) To burners or other marketers who have notified the Department of their used oil management activities stating the location and general description of such activities, and who have an EPA identification number; and
 - (b) To burners who burn the used oil in an industrial furnace or boiler not in the District.
- 4504.7 [Reserved]
- 4504.8 Except as provided in §§4504.9 and 4504.10, generators of used oil shall not be subject to this section.

- 4504.9 Generators who market used oil directly to a burner shall be subject to §§4504.11 through 4504.13.
- 4504.10 Generators who burn used oil shall be subject to the D.C. Air Pollution Control Regulations.
- 4504.11 Persons who market used oil fuel shall be termed "Marketers." Except as provided in this section, marketers shall include generators who market used oil fuel directly to a burner, persons who receive used oil from generators and produce, process, or blend used oil fuel from these used oils (including persons sending blended or processed used oil to brokers or other intermediates), and persons who distribute but do not process or blend used oil fuel. The following persons shall not be marketers subject to this section:
- (a) Used oil generators, and collectors who transport used oil received only from generators unless the generator or collector markets the used oil directly to a person who burns it for energy recovery. However, persons who burn some used oil fuel for purposes of processing or other treatment to produce used oil fuel for marketing shall be considered to be burning incidentally to processing. Thus, generators and collectors who market to such incidental burners shall not be marketers subject to this section; and
 - (b) Persons who market only used oil fuel that meets the specification under §4504.5 and who are not the first person to claim the oil meets the specification (i.e., marketers who do not receive used oil from generators or initial transporters and marketers who neither receive nor market off-specification used oil fuel).
- 4504.12 Marketers shall be subject to the following requirements:
- (a) Used oil fuel shall be subject to regulation under this section unless the marketer obtains analyses or other information documenting that the used oil fuel meets the specification provided under §4504.5;
 - (b) The prohibitions under §4504.6;
 - (c) Notification to the Department stating the location and general description of used oil management activities. Even if a marketer has previously notified the Department of his or her hazardous waste management activities and obtained a U.S. EPA Identification Number, he or she shall renotify to identify his or her used oil management activities;
 - (d) When a marketer initiates a shipment of off-specification used oil, he or she shall prepare and send the receiving facility an invoice containing the following information:
 - (1) An invoice number;
 - (2) His or her own EPA identification number and the EPA identification number of the receiving facility;
 - (3) The names and addresses of the shipping and receiving facilities;
 - (4) The quantity of off-specification used oil to be delivered;
 - (5) The date(s) of shipment or delivery; and

- (6) The following statement: "This used oil is subject to the regulations of this Chapter 45 and 40 CFR Part 266";
 - (e) Before a marketer initiates the first shipment of off-specification used oil to a burner or other marketer, he or she shall obtain a one-time written and signed notice from the burner or marketer certifying that:
 - (1) The burner or marketer has notified the Department stating the location and general description of his or her used oil management activities; and
 - (2) If the recipient is a burner, the burner shall burn the off-specification used oil only in an industrial furnace or boiler identified in §4504.6.
 - (f) Before a marketer accepts the first shipment of off-specification used oil from another marketer subject to the requirements of this section, he or she shall provide the marketer with a one-time written and signed notice certifying that he or she has notified the Department of his or her used oil management activities; and
 - (g) A marketer who first claims under §4504.12(a) that used oil fuel meets the specification shall keep copies of analysis (or other information used to make the determination) of used oil for three (3) years. The used oil fuel shall not be subject to further regulation, unless it is subsequently mixed with hazardous waste or unless it is mixed with used oil so that it no longer meets the specification. The marketers shall also record in an operating log and keep for three (3) years the following information on each shipment of used oil fuel that meets the specification:
 - (1) The name and address of the facility receiving the shipment;
 - (2) The quantity of used oil fuel delivered;
 - (3) The date of shipment or delivery; and
 - (4) A cross-reference to the record of used oil analysis (or other information used to make the determination that the oil meets the specification) required in this paragraph.
- 4504.13 A marketer who receives or initiates an invoice under the requirements of this section shall keep a copy of each invoice for three (3) years from the date the invoice is received or prepared. In addition, a marketer shall keep a copy of each certification notice that he or she receives or sends for three (3) years from the date he or she last engages in an off-specification used oil fuel marketing transaction with the person who sends or receives the certification notice.

SOURCE: Final Rulemaking published at 43 DCR 1077 (March 1, 1996), incorporating by reference the text of Chapters 40 through 54.

4505 RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

- 4505.1 The rules of this section shall apply to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum,

palladium, iridium, osmium, rhodium, ruthenium, or any combination of these.

- 4505.2 Persons who generate, transport or store recyclable materials that are regulated under this section shall be subject to the following requirements:
- (a) Notification requirements under §3010 of RCRA; and
 - (b) Sections 4201 (for generators), 4301 through 4301.10 (for transporters), and 4404.4 through 4404.6 (for persons who store).
- 4505.3 Persons who store recycled materials that are regulated under this section shall keep the following records to document that they are not accumulating these materials speculatively (as defined in §5400.1):
- (a) Records showing the volume of these materials stored at the beginning of the calendar year;
 - (b) The amount of these materials generated or received during the calendar year; and
 - (c) The amount of materials remaining at the end of the calendar year.
- 4505.4 Recyclable materials that are regulated under this section that are accumulated speculatively (as defined in §5400.1) shall be subject to all applicable provisions of Chapters 42 through 44, 46 and 47.

SOURCE: Final Rulemaking published at 43 DCR 1077 (March 1, 1996), incorporating by reference the text of Chapters 40 through 54.

4506 SPENT LEAD-ACID BATTERIES BEING RECLAIMED

- 4506.1 The regulations of this section shall apply to persons who reclaim spent lead-acid batteries that are recyclable materials ("spent batteries"). Persons who generate, transport, or collect spent batteries, or who store spent batteries but do not reclaim them shall not be subject to regulation under Chapters 44 through 47 or the requirement of §3010 of RCRA.
- 4506.2 Owners or operators of facilities that store spent batteries before reclaiming them shall be subject to the following requirements:
- (a) Notification requirements of §3010 of RCRA; and
 - (b) All applicable provisions in §§4400 and 4401 (but not §§4401.8 through 4401.14 (waste analysis)), §§4402 through 4404 (but not §§4404.4 through 4404.8 (dealing with the use of the manifest and manifest discrepancies)), and §§4405 through 4410.

SOURCE: Final Rulemaking published at 43 DCR 1077 (March 1, 1996), incorporating by reference the text of Chapters 40 through 54.

